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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,489

08/01/2001

Fred S. Cook

1487

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05/15/2008

SPRINT

6391 SPRINT PARKWAY

KSOPHT0101-Z2100

OVERLAND PARK, KS 66251-2100

EXAMINER

PEACHES, RANDY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/920,489	Applicant(s) COOK, FRED S.	
	Examiner RANDY PEACHES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15,17-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-7, 15, 17-21 are 23 is/are allowed.
- 6) ☒ Claim(s) 8, 10-14,24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. ***Claims 8, 10-14, 27-29*** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to the “***Interim Guidelines of Examining Patent Application for Patent Subject Matter Eligibility***” ***pp. 20-22***, the Examiner has determined that the final result of the claimed language fails to provide a "tangible" result. Accordingly, the applicant claims a software product not embodied on any type of medium; thus, failing to provide a "tangible" result. Software is abstract. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 24-26*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Connolly et al (U.S. Patent Number 5,325,419) in view of Diebolt et al. (U.S. Patent Publication Number 2002/0006811A1).

Regarding **claim 24**, Connolly et al discloses a method of operating a portable hand-set terminal, which reads on claimed, "first device is a wireless device", the method comprising:

- transmitting the a Page Response message from the said portable hand-set terminal to the Personal Communication System 2 (PCS2) then further to the said SCP, as taught in column 33 lines 10-23.

However, Connolly et al. fails to clearly disclose wherein the process of sending an alert message to a said second device.

Diebolt et al. teach of processing the said process command. See paragraph [0017];

- determining the incoming call should be directed to a second device. See paragraph [0017 and 0019];
- generating a response message indicating that the second device is receiving the incoming message. See paragraph [0019-0021].
- transmitting the said message from the said wireless device to the said PBX. See paragraph [0017-0018].

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Connolly et al (U.S. Patent Number 5,325,419) to include Diebolt et al. (U.S. Patent Publication Number 2002/0006811A1) in order to provide a system capable of identifying an incoming call and redirecting a call to other device for further processing.

Regarding **claim 25**, as the combination of Connolly and Diebolt are made, the combination as claimed in **claim 24**, Connolly et al further teaches wherein the first device comprises a portable handset terminal. See Abstract and column 7 lines 53-57, FIGURE 11 and column 31 lines 4-9.

Regarding **claim 26**, as the combination of Connolly and Diebolt are made, the combination as claimed in **claim 24**, Connolly et al further discloses wherein the said AIN Route Analyzed message (announcement), comprises a Redirecting Party ID, which reads on claimed "called party number". See column 32, line 6.

3. **Claims 30-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Connolly et al (U.S. Patent Number 5,325,419), Diebolt et al. (U.S. Patent Publication Number 2002/0006811A1) in view of Janow (U.S. Patent Number 6,061,570 B1).

Regarding **claim 30**, Connolly et al discloses a method of operating a portable hand-set terminal, which reads on claimed, "first device is a wireless device", the method comprising:

- transmitting the a Page Response message from the said portable hand-set terminal to the Personal Communication System 2 (PCS2) then further to the said SCP, as taught in column 33 lines 10-23.

However, Connolly et al. fails to clearly disclose wherein the process of sending an alert message to a said second device.

Diebolt et al. teach of processing the said process command. See paragraph [0017];

- determining the incoming call should be directed to a second device. See paragraph [0017 and 0019];
- generating a response message indicating that the second device is receiving the incoming message. See paragraph [0019-0021].
- transmitting the said message from the said wireless device to the said PBX.

See paragraph [0017-0018].

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Connolly et al (U.S. Patent Number 5,325,419) to include Diebolt et al. (U.S. Patent Publication Number 2002/0006811A1) in order to provide a system capable of identifying an incoming call and redirecting a call to other device for further processing.

However, the combination fails disclose a processor operable to receive an incoming message and transmit the said message via an interface.

Janow teaches in claim language number 15, that the processor receives signals indicating an incoming message. In addition, Janow teaches in column 4 lines 8-11, that the processor is coupled to an interface circuit operable to send and receive messages.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to the combination of Connolly et al (U.S. Patent Number

5,325,419) Diebolt et al. (U.S. Patent Publication Number 2002/0006811A1) to included Janow (U.S. Patent Number 6,061,570 B1) in order to provide a processing means incorporated therein a said portable hand-set terminal operable to receive incoming messages from a coupled interface.

Regarding **claim 31**, as the above combination of Connolly et al (U.S. Patent Number 5,325,419) Diebolt et al. and Janow (U.S. Patent Number 6,061,570 B1) are made, the combination according to **claim 30**, Connolly et al further teaches wherein the wireless communication device comprises a radio cell portable handset terminal, essentially representing a phone, which reads on claimed "cellular phone, pager, or a personal digital assistant". See Abstract and column 7 lines 53-57.

Regarding **claim 32**, as the above combination of Connolly et al (U.S. Patent Number 5,325,419) Diebolt et al. and Janow (U.S. Patent Number 6,061,570 B1) are made, the combination according to **claim 30**, Connolly et al further discloses wherein the said AIN Route Analyzed message (announcement), comprises a Redirecting Party ID, which reads on claimed "called party number". See column 32, line 6.

Allowable Subject Matter

Claims 1, 3-7, 15, 17-21 and 23 are allowed.

Response to Arguments

Applicant's arguments with respect to ***claims 1,3-8,10-15,17-21 and 23-32*** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617